

Application Serial No. 09/863,181
Dated: May 23, 2001
Reply to Office Action dated May 6, 2004

Page 2 of 3

REMARKS

Claims 1, 3-17, 37, 39, 40 and 46-57 are pending in this Application. In the Office Action dated May 6, 2004, the Examiner rejected all claims under 35 U.S.C. § 112 second paragraph for undue multiplicity. The Examiner required an election of up to 4 independent claims and up to 12 dependent claims for further prosecution. Applicant hereby elects independent claims 1, 13, 47 and 55 and dependent claims 14-17, 49-54 and 56-57 with traverse.

Applicant respectfully traverses the Examiner's requirement under M.P.E.P. § 2173.05(n) as improper and unwarranted. The pending independent claims are materially distinct from one another. The pending dependent claims are equally distinct on their own merits and through the material differences in the independent claims. It is respectfully asserted that the Examiner has not met his burden to support the § 112 second paragraph rejection based on multiplicity as no explanation or examples of the "shades of meaning and possible interpretations" or the stated concern of "too much chance for confusion and error" is provided. See In re Flint, 162 U.S.P.Q. 228, 230 (C.C.P.A. 1969) (Neese, J. concurring relying in part on In re Savage, 45 U.S.P.Q. 155, 160 (C.C.P.A. 1940)).

Pending independent claims 1, 12, 13, 40, 46, 47 and 55 vary in the claimed structure and functional and spacial relationships. Independent claim 12 claims the rotary dies themselves including raised radial flanges on the first rotary die. Claim 13 is an improvement claim wherein the first modular die support includes bearings having individual rollers not included in independent claim 1 and additional spacial relationships between the raised radial flange and first die support roller bearings not included in claim 12. Independent claim 40 provides that the first and second modular die supports consist of the individual rollers to support both rotary dies and removes directly claiming the dies distinguishing it from claim 12. Claim 46 claims the spacial relationship between the columns with respect to the diameter of the dies. Newly presented independent claims 47 and 55 claim interchangeability of the modular die supports to accommodate both low and high speed applications (claim 47) and between the individual roller bearings and cylindrical roller bearing-

Application Serial No. 09/863,181
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Page 3 of 3

type die supports (claim 55) respectively. These claims of interchangeable first and second dies supports using the same frame are materially distinct from one another and the remaining pending independent claims.

The pending dependent claims are necessarily materially distinct from one another due to dependence on materially distinct independent claims. The claims dependent from each independent claim logically claim different combinations as well as spacial and functional relationships depending on the independent claims.

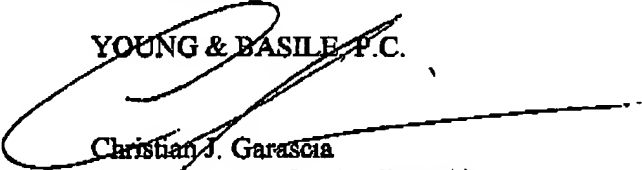
Applicant further asserts that the claims are clearly presented and are not confusing as suggested. Additional detail has been added to address the Examiner's rejections and common terminology has been used wherever possible.

Applicant further respectfully traverses the number of claims, set at 16, by the Examiner as unduly limiting. Applicant has responded to the Examiner's rejections on new art presented and is now being denied examination of these amendments and advancement of all of the claims.

It is respectfully submitted that all of the pending claims warrant continued prosecution under the above statements, history of prosecution of the case and fees paid by the applicant. It is further respectfully submitted that all elected and pending claims are allowable over the art of record, allowance of which is respectfully requested.

Respectfully submitted,

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